IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 8630 of 2007

Tayaso Digambar Misal & anr. ..Petitioners

vs.

Agatrao Sadashiv Missal & Ors. ..Respondents

Shri B.G.Tangsali for petitioners.

CORAM: S.C.DHARMADHIARI J.
5th December,2007

P.C.

1. There is no reason to interfere with the order under challenge as I fail to understand the right that is being claimed by the present petitioners who are original defendant nos.3 and 4 to the suit to file a written statement to a counter claim inthe said suit of Respondent Noi.1. The respondent no.2 is original defendant no.2. The petitioners are other defendants. They have filed the written statement in the suit. They have not raised any counter claim. The counter claim is raised by one of the co-defendants. In such circumstances and when the counter claim is against the plaintifff (respondent no.1) there is no need to interfere with the order refusing leave to the petitioners to file a further written statement in the said counter claim. All pleas are always

open for being raised in the light of the existing pleadings. Petition is dismissed.

(S.C.DHARMADHIKARI J.)